

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Kazuhiro AIHARA et al.

Confirmation No. 9064

Application No.: 10/561,200

Art Unit: Unassigned

Filed: December 19, 2005

Examiner: Unassigned

Title: CRYSTALLINE CARBAPENEM INTERMEDIATE

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE STATEMENT**

The relevance of the documents are described in the present specification.

An English language translation of Documents A01 and A02 are not readily available; however, the absence of such translation does not relieve the PTO from its duty to consider the submitted document (37 CFR §1.98 and MPEP §609). A copy of the English abstract for each document is attached. Document A01(a), U.S. Patent No. 5,990,101, is the English equivalent to Document A01, WO 01/53305.

**TIMING/FEE**

The instant Information Disclosure Statement is being filed in compliance with 37 CFR §1.97(b) prior to the mailing date of the first official action, therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.


Applicants respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Date: 5/25/06

HELLER EHRMAN LLP  
1717 Rhode Island Avenue, NW  
Washington, DC 20036  
(o) (202) 912-2000  
(fax) (202) 912-2020

Respectfully submitted,

By:  Patricia D. Granados Reg. no. 41,104

 Patricia D. Granados  
Reg. No. 33,683  
Attorney for Applicant

Customer No. 26633

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
-------	---	----	---

**Complete if Known**

Application Number	10/561,200
--------------------	------------

Filing Date	December 19, 2005
-------------	-------------------

First Named Inventor	Kazuhiro AIHARA et al.
----------------------	------------------------

Group Art Unit	Unassigned
----------------	------------

Examiner Name	Unassigned
---------------	------------

Attorney Docket Number	40072-0025
------------------------	------------

Confirmation No. 9064

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/561,200
Filing Date	December 19, 2005
First Named Inventor	Kazuhiro AIHARA et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	40072-0025

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A03	SUSAN M. SCHMITT et al., "The Synthesis of 2-(Functionalized Methyl)- 1 $\beta$ -Methylcarbapenems", The Journal of Antibiotics, June 1988, pp. 780-787	
	A04	RAVINDRA NATH GUTHIKONDA et al., "Structure-Activity Relationships in the 2-Arylcarbapenem Series: Synthesis of 1-Methyl-2-arylcarbapenems", J. Med. Chem. 1987, pp. 871-880, Vol. 30	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.